

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	1:06-CR-00170-WHA
)	
LINDA SCHALLER CANTELLI)	

DEFENDANT CANTELLI'S MOTION FOR PRE-TRIAL RELEASE

Pursuant to Federal Rule of Criminal Procedure 46(a) and 18 U.S.C. § 3142, Defendant Linda Cantelli moves this Honorable Court to release her from pre-trial custody, and as grounds for this Motion says:

1. During the initial arraignment of this matter, the Court indicated that it would not hold a detention hearing because the Defendant was then being held in custody by the State of Alabama on pending state charges, for which the Defendant had not made bond.

2. Defendant has now been released from State custody. This is shown by the documents attached to this Motion as "Exhibits to Defendant Cantelli's Motion for Pre-Trial Release." These exhibits include the Order of the Court in Coffee County releasing the Defendant, two appearance bonds signed by the Defendant and the Coffee County Sheriff, and a Letter from the Coffee County Sheriff to Pam Harding of the U.S. Marshal's office indicating that Ms. Cantelli is no longer in state custody.

3. The undersigned counsel for Defendant Cantelli has had conversations with the Assistant U.S. Attorney Clark Morriss, and with the DEA Agent in charge, Devin Whittle, and neither have any objection to the Defendant being released pending trial of this matter.

5. The Defendant is entitled to be released pursuant to the provisions of 18 U.S.C. § 3142(b). Defendant therefore moves this Honorable Court to release her, immediately, from further detention pending the trial or other disposition of this matter.

WHEREFORE, for good cause shown, Defendant Cantelli moves this Honorable Court for an immediate release from custody pending trial of this matter pursuant to 18 U.S.C. § 3142(b).

_____ Respectfully submitted this the 12th day of September, 2006.

s/ C. E. Vercelli, Jr.

CHARLES E. VERCELLI, JR. (VER003)

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CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2006, I electronically filed the foregoing with the Clerk of the United States District Court for the Middle District of Alabama, using the CM/ECF system, which will send notification of such filing to the United States Attorney and to all counsel of record.

s/ C. E. Vercelli, Jr.

Of Counsel

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